

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

Criminal No. 04-10126-RWZ

VICTOR VARGAS

Defendant.

UNITED STATES' PROPOSED
VOIR DIRE EXAMINATION QUESTIONS

I. OUTLINE OF INDICTMENT

Let me begin by saying a few words about the nature of this case. The indictment in this case charges the defendant, VICTOR VARGAS, with one count of making a false statement in an application to obtain a United States passport in violation of 18 U.S.C. §1542; one count of misusing a social security account number, that is, falsely representing a social security account number to be his own, in violation of 42 U.S.C. §408(a)(7)(B); and one count of possession of an unlawful identification document, that is, a Massachusetts identification card, in another name, with the intent that this identification document be used to defraud the United States, in violation of 18 U.S.C. §1028(a)(4).

II. PARTIES AND WITNESSES

[After defendant, counsel, and case agent are introduced]

1. Do any of you know the defendant?
2. Do any of you know the attorney for the defendant?

3. Do any of you know the attorney for the United States of America?

4. I will read [or have the attorneys read] the names of persons who may appear as witnesses. Please advise me, after their names have been read, whether you know them or have any acquaintance with them. [Counsel or Court read witness lists.]

III. CONFLICTS WITH SERVICE - NATURE OF CASE

1. It is anticipated that this trial will be concluded in about three days. Would it be too inconvenient for any of you, because of your job or other personal reasons, to serve on this jury and to concentrate on the trial and its proceedings with your full attention and render a fair and impartial verdict?

2. Is there anything about the nature of the charges or the type of offenses with which the defendant is charged that would in any way affect your ability to sit as a fair and impartial juror?

IV. GENERAL QUESTIONS TO PANEL

1. Have any of you ever served on a jury before?

(a) Federal Court:
(1) Civil
(2) Criminal

(b) State Court:
(1) Civil
(2) Criminal

2. Without stating the result, were you able to reach a verdict in the case?

3. Has anything ever happened to you while serving as a juror prior to this case that would make it difficult for you now to serve as a fair and impartial juror?

4. Have any of you ever appeared before a Grand Jury as a witness and given testimony? Have any of you ever served as a member of a Grand Jury? If so, how many times?

5. Have any of you ever appeared in Court either as a witness in a case or as a party in a lawsuit?

6. Have any of you ever had any claim or lawsuit or any other type of litigation against or with the United States or one of its agencies? I am speaking now of a lawsuit or some type of administrative proceeding. The agency could be the Internal Revenue Service, the Federal Housing Administration, the Social Security Administration, and so forth. If so, please explain.

7. Are any of you suffering from a physical disability, especially one involving hearing, which would make it difficult for you to serve as a juror during the trial of this case?

8. Have any of you ever been the victim of a crime?

9. Have any of you ever been charged with a criminal offense? What was the charge? Do you believe you were treated fairly?

10. Do you have any close friends or relatives who have been charged with a criminal offense? What was the charge? Do you believe they were treated fairly?

11. Have any of you ever been questioned by a Federal or State investigative officer? If so, please explain. Do you believe you were treated fairly?

12. This is, of course, a criminal case wherein the law sets forth certain punishments to be applied in the sole discretion of the Judge, within bounds as set forth by Congress. Are there any of you who, for religious, moral, ethical or philosophical reasons, would simply rather not be called upon to decide the guilt or innocence of the accused?

13. The Court will give you instructions on the law at the conclusion of all the evidence and the argument of counsel. Will you abide by these instructions on the law and apply the law to the facts?

14. If one or more of the instructions on the law given to you by the Court are in conflict with your own personal beliefs, or if you disagree with any one of the Court's instructions, will you still abide by the Court's instructions on the law and put your own personal beliefs aside?

15. In considering your verdict, do all of you realize that the term "reasonable doubt" which will be used during the course of this trial does not mean a speculative or

fanciful doubt, and that the law does not require a person to be proved guilty to a mathematical certainty?

16. If the government proves the defendant guilty beyond a reasonable doubt, would any of you hesitate to return a verdict of guilty as charged? On the other hand, should the government fail to prove the defendant guilty beyond a reasonable doubt, would any of you hesitate to return a verdict of not guilty?

17. Do you conscientiously believe you can render a fair and impartial verdict free from any prejudice or bias for or against the government or the defendant?

18. Are you, a family member, or a close friend or business associate involved in the criminal justice system as a prosecutor, a defense attorney, an employee of either a prosecutor or a defense attorney, or as a law enforcement officer?

V. ADDITIONAL QUESTIONS TO PANEL

1. Do you have any strong feelings either for or against laws regulating who may apply and obtain a United States passport such that you would be unable to be a fair and impartial juror in this case?

2. Do you have any strong feelings either for or against laws regulating who may apply and obtain a social

security account number such that you would be unable to be a fair and impartial juror in this case?

Respectfully submitted,

MICHAEL J. SULLIVAN
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